UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,694	03/08/2001	Jurgen Pandel	P01 0063	5077

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EXAMINER
PARSONS, CHARLES E

ART UNIT	PAPER NUMBER
2613	8

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/786,694	PANDEL ET AL.
		Examiner	Art Unit
		Charles E Parsons	2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haskell in view of

Bannon.

16, 26. A method for processing a digitized picture with pixels, comprising the steps of:

grouping the pixels into picture blocks, (See Haskell Column 8 lines 30-31)

assigning information about the picture object to the at least one picture block; (See

Bannon column 8 lines 36-39)

coding the picture objects with different quality; (See Haskell column 3 lines 32-56)

assigning a quality specification indicating the quality with which a picture object is coded

to at least one macroblock contained in the corresponding picture object; and (This is part

of the VOP Data see Haskell column 2 lines 35-48)

determining the quality by a spatial resolution. (See Banon column 2 lines 16-29)

seqmenting the picture into at least a first picture object and a second picture object, at

least one picture block being assigned to at least a part of an edge of the first picture

object; (See Haskell column 4 lines 20-21 and while he is not specific as to the edge

assignment, this is the conventional method of determining the edges of an object, See

Bannon column 8 lines 12-65. At the time the invention was made, it was well known in

the art that if objects were to be segmented out of a picture, the edges must be found and

macroblocks making up those edges must be identified and labeled as contour blocks.

Therefore, it would have been obvious to one of ordinary skill in the art, to include details

of the edge detection provided for in Bannons teachings into Haskells object segmentor,
one would have been motivated by the above mentioned requirement in order to
separate objects from a picture.) The Examiner would also like to point out that this
feature is actually inherent to Haskell's segmentor, Bannon is proof of such inherency.

Claim 17, 27: The method of claim 16 wherein a plurality of picture blocks are in each case
grouped to form a macroblock; and a macroblock is assigned at least to the part of the
edge. (See Bannon column 8 lines 36-38)

Claim 18: The method of claim 17 wherein at least one luminance block of the macroblock is
assigned at least to the part of the edge of the first picture object. See Bannon figure 5a-
5g and column 8 lines 13-65)

Claim 19: The method of claim 16 in which at least one picture block is assigned to an entire
edge of the first picture object. (See figure 5a-5g or Bannon.)

Claim 20: The method of claim 17 in which information about the picture object is in each case
assigned to all the macroblocks in which the edge is contained. (See Haskell column 4
lines 20-37 all of the blocks within an object are coded with reference to the object.)

Claim 21: The method of claim 17 in which the first picture object is addressed using a
macroblock address respectively assigned to a macroblock.

Claim 22. The method of claim 17 in which the second picture object is addressed using a
macroblock address respectively assigned to a macroblock. (As for claims 21 and 22,
Clearly if an object is segmented as shown in figures 5a-5g of Bannon, they will all have
macroblock addresses assigned with respect to one another thus an inherent feature and
not patentable.)

23, 28. The method of claim 16 used for coding a digitized picture.

24, 29. The method of claim 16 used for decoding a digitized picture.

(As for claims 23, 24, 28 and 29 both Haskell and Bannon are used to encode and decode

digitized images.)

Claim 25, 30: The method of claim 16 used in a mobile communications device. (See Bannon

column 1 lines 8-9 clearly teaching that the invention can be used for video

communication. At the time the invention was made, it was well known in the art that

mobile communication devices could be adapted to transmit and receive video data.

Therefore it would have been obvious to one of ordinary skill in the art to incorporate

video encoding and decoding capabilities into a mobile communication device in order to

make the invention as claimed.) (Official Notice served.)

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally

be reached on M-TH 7AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this

application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be

directed to the receptionist whose telephone number is 703-305-4750.

CEP

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600